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T-211 P.01/09 F-885

MAR 23 2006

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**DATE:** March 23, 2006

**PTO IDENTIFIER:** Application Number 10/616531-Conf #1963  
Patent Number

**Inventor:** Mark L. NELSON et al.

**MESSAGE TO:** US Patent and Trademark Office

**FAX NUMBER:** (571) 273-8300

**FROM:** LAHIVE & COCKFIELD, LLP

Cynthia M. Soroos

**PHONE:** (617) 227-7400

**Attorney Dkt. #:** PKZ-018DV

**PAGES (Including Cover Sheet):** 9

**CONTENTS:**

Fee Transmittal (1 page, in duplicate)  
PTO form SB/08 (14 references, 1 page)  
Information Disclosure Statement (3 pages)  
Transmittal (1 page)  
Charge \$180.00 to deposit account 12-0080  
Certificate of Transmission (1 page)

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PTO/SB/17 (12-04v2)

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4281). <b>FEE TRANSMITTAL</b> <b>For FY 2005</b>		<b>Complete if Known</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/616531-Conf. #1963
		Filing Date	July 9, 2003
		First Named Inventor	Mark L. NELSON
		Examiner Name	B. P. Badio
		Art Unit	1617
<b>TOTAL AMOUNT OF PAYMENT</b> (\$) 180.00		Attorney Docket No. PKZ-018DV	

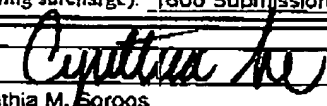
  

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<input checked="" type="checkbox"/> Deposit Account    Deposit Account Number <b>12-0080</b> Deposit Account Name <b>Lahive &amp; Cockfield, LLP</b>	
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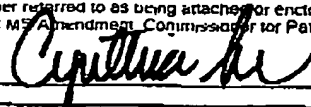
  

<b>FEE CALCULATION</b>							
<b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>							
Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	300	250	600	300	
Provisional	200	100	0	0	0	0	
<b>2. EXCESS CLAIM FEES</b>							
<b>Fee Description</b>						<b>Small Entity Fee (\$)</b>	<b>Fee (\$)</b>
Each claim over 20 (including Reissues)						50	25
Each independent claim over 3 (including Reissues)						200	100
Multiple dependent claims						360	180
<b>Total Claims</b>		<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	<b>Multiple Dependent Claims</b>		
					<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>	
<b>Indep. Claims</b>		<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>			
<b>3. APPLICATION SIZE FEE</b>							
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s)							
<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>		<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>		
- 100 = _____	/ 50	_____ (round up to a whole number) x		_____	_____		
<b>4. OTHER FEE(S)</b>							
Non-English Specification, \$130 fee (no small entity discount)						<b>Fees Paid (\$)</b>	
Other (e.g., late filing surcharge), 1806 Submission of an Information Disclosure Statement						180.00	

<b>SUBMITTED BY</b>			
Signature		Registration No. (Attorney/Agent)	53,623
Name (Print/Type)	Cynthia M. Sorros	Telephone	(617) 227-7400
		Date	March 23, 2006

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PTO/SB-117 (12-04-2)  
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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

**FEE TRANSMITTAL**  
**For FY 2005**

☐ Applicant claims small entry status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$) 180.00

**Complete if Known**

Application Number	10/616531-Conf. #1963
Filing Date	July 9, 2003
First Named Inventor	Mark L. NELSON
Examiner Name	B. P. Badio
Art Unit	1617
Attorney Docket No	PKZ-018DV

**METHOD OF PAYMENT** (check all that apply)

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☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR 1.13 and 1.17 ☒ Credit any overpayments

**FEE CALCULATION**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entry Fee (\$)	Fee (\$)	Small Entry Fee (\$)	Fee (\$)	Small Entry Fee (\$)	
Utility	300	150	300	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entry Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

**Total Claims**    **Extra Claims**    **Fee (\$)**    **Fee Paid (\$)**    **Multiple Dependent Claims**

\_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    **Fee (\$)**    **Fee Paid (\$)**

**Indep. Claims**    **Extra Claims**    **Fee (\$)**    **Fee Paid (\$)**

\_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_    \_\_\_\_\_

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entry) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	_____	_____	_____	_____

**4. OTHER FEE(S)**

Description	Fee (\$)	Fees Paid (\$)
Non-English Specification, \$130 fee (no small entry discount)		
Other (e.g., late filing surcharge) 1806 Submission of an Information Disclosure Statement	180.00	

**SUBMITTED BY**

Signature	<i>Cynthia M. Sorros</i>	Registration No. (Attorney/Agent)	53,623	Telephone	(617) 227-7400
Name (Print/Type)	Cynthia M. Sorros	Date	March 23, 2006		

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Dated: March 23, 2006

Signature: 

(Cynthia M. Sorocos)

Docket No.: PKZ-018DV  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Mark L. Nelson *et al.*

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Application No.: 10/616531

Confirmation No.: 1963

Filed: July 9, 2003

Art Unit: 1617

For: **METHODS OF PREPARING SUBSTITUTED  
TETRACYCLINES WITH TRANSITION  
METAL-BASED CHEMISTRIES**

Examiner: B. P. Badio

**INFORMATION DISCLOSURE STATEMENT (IDS)**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed after the mailing date of the Notice of Allowance, but on or before payment of the Issue Fee (37 CFR 1.97(d)). Applicants hereby petition that the Information Disclosure Statement be considered.

I hereby certify, pursuant to 37 CFR 1.97(e)(2), that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Application No.: 10/616531

Docket No.: PKZ-018DV

Copies of the references on the PTO/SB/08 are not provided.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

Applicants wish to bring to the Examiner's attention the following co-pending patent applications:

Serial No.	Filing Date
10/765,233	January 26, 2004
11/004559	December 3, 2004
10/982728	November 4, 2004
10/819,343	April 5, 2004
10/820,456	April 7, 2004
10/866,220	June 10, 2004
11/300917	December 15, 2005
10/786,710	February 24, 2004
10/652,712	August 28, 2003
11/305048	December 16, 2005

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

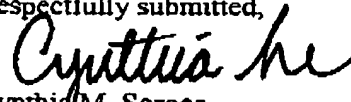
Application No.: 10/616531

Docket No.: PKZ-018DV

Please charge our Deposit Account No. 12-0080 in the amount of \$180.00 covering the fee set forth in 37 CFR 1.17(p). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 12-0080, under Order No. PKZ-018DV.

Dated: March 23, 2006

Respectfully submitted,



Cynthia M. Soroos  
Registration No.: 53,623  
LAHIVE & COCKFIELD, LLP  
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Attorney/Agent For Applicant

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Substitute for form 1449A/B/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		Application Number	10/616531-Conf. #1963
		Filing Date	July 9, 2003
		First Named Inventor	Mark L. NELSON
		Art Unit	1617
		Examiner Name	B. P. Badio
		Attorney Docket Number	PKZ-018DV
Sheet	1	of	1

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number*Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A1*	2,990,331	06-27-1961	Neumann et al.	
	A2*	2,980,584	04-18-1961	Hammer	
	A3*	3,062,717	11-06-1962	Hammer	
	A4*	3,165,531	01-12-1965	Blackwood et al.	
	A5*	3,454,897	07-08-1969	Joyner et al.	
	A6*	3,557,280	01-01-1971	Weber et al.	
	A7*	3,674,859	07-04-1972	Beutel et al.	
	A8*	3,957,980	05-18-1976	Noseworthy	
	A9*	4,018,889	04-19-1977	Armstrong	
	A10*	4,024,272	05-17-1977	Rogalski et al.	
	A11*	4,126,680	11-11-1978	Armstrong	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document Country Code <sup>2</sup> *Number*Kind Code <sup>3</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

\*EXAMINER Initials if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. CITE NO.: Those application(s) which are marked with an single asterisk (\*) next to the Cite No. are not supplied (under 37 CFR 1.58(a)(2)(iii)) because that application was filed after June 30, 2003 or is available in the IFW. \*Applicant's unique citation designation number (optional). <sup>2</sup> See kind: Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 801.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST 3). \*For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>4</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST 16 if possible. <sup>5</sup> Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issn number(s), publisher, city and/or country where published		T*
	A12*	Kalanin, "Carbon-carbon bond formation in heterocycles using Ni-and Pd-catalyzed reactions." <i>J. Synthetic Org. Chem.</i> , 1992, p. 413.		
	A13*	Negeishi, "Palladium- or Nickel-catalyzed cross coupling. A new selective method for carbon-carbon bond formation." <i>Acct. Chem. Res.</i> 1982 15:340		
	A14*	Sawamura, "Catalytic asymmetric synthesis by means of secondary interaction between chiral ligands and substrates," <i>Chem. Rev.</i> 1992, 92 857.		

\*EXAMINER Initials if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Applicant's unique citation designation number (optional). <sup>4</sup>Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	
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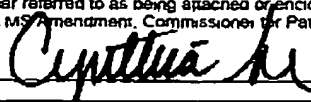
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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/616531-Conf. #1963
	Filing Date	July 9, 2003
	First Named Inventor	Mark L. NELSON
	Art Unit	1617
	Examiner Name	B. P. Badio
Total Number of Pages in This Submission	Attorney Docket Number	PKZ-018DV

ENCLOSURES (Check all that apply)		
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Signature			
Printed name	Cynthia M. Sorocis		
Date	March 23, 2006	Reg. No.	53,623

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Application No. (if known) 10/616531

Attorney Docket No.: PKZ-018DV

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Cynthia M. Sorros

Typed or printed name of person signing Certificate

53,623

Registration Number, if applicable

(617) 227-7400

Telephone Number

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